



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,253	02/17/2004	Jay Garfinkle	03-703	9648

20306 7590 10/03/2005

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER

EPPS, TODD MICHAEL

ART UNIT PAPER NUMBER

3632

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

h

Office Action Summary

Application No.

10/780,253

Applicant(s)

GARFUNKLE, JAY

Examiner

Todd M. Epps

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

h

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the first Office Action for serial number 10/780,253, Table Base, filed on February 17, 2004.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,010,922 to Heller et al. (Heller).

Heller '922 discloses a base (12) having an aperture with internal threads (fig. 2); a spider plate (22) having an aperture with internal threads (fig. 1); and a column (10) having an external surface, a first end having threads on the external surface (fig. 2), a

Art Unit: 3632

second end having threads on the external surface (fig. 2); wherein the base (12) has a central hub surrounding the aperture (fig. 2), and has a plurality of support veins (50); wherein each of the plurality of support veins terminates in a floor pad (90); wherein the central hub of the spider plate is adapted to receive a set screw (28); wherein the spider plate (22) has a central hub surrounding the aperture (fig. 1-2), and has a plurality of support arms (25); wherein each of the plurality of support arms (25) has a plurality of screw holes (36); wherein the central hub of the spider plate (22) is adapted to receive a set screw (fig. 2); wherein the base and spider plate are manufactured from iron, and how the iron is formed is a limitation on the method of making not on the product; and wherein the column is a tube, and is manufactured from steel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of U.S. Patent No. 4,081,012 to Wallace.

Regarding claim 11, Heller '922 teaches the previous invention wherein the column having threads on the external surface on both ends, but fails to specifically teach threads having an adhesive. Nevertheless, Wallace '012 teaches the well-known concept of having an adhesive on threads (fig. 1). Accordingly, it would have been

Art Unit: 3632

obvious to one ordinary skill in the art at the time the invention was made to have modified the threads of Heller '922 with an adhesive on threads as in Wallace '012 so as to provide for superior mounting of the column on a vertically extending object.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heller '922.

Regarding claim 14, Heller '922 teaches the previous invention wherein the column having threads on the external surface on both ends, but fails to specifically teach a plurality of set screw holes. Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have a plurality of set screw holes in order to provide a greater support on both ends of the column.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 3,789,894 to Adams

U.S. Patent No. 4,448,378 to Binfare

U.S. Patent No. 4,810,353 to Cartwright

U.S. Patent No. 6,629,506 to Park

The above references disclose a structure similar to the applicant's invention.


Art Unit: 3632

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps
Patent Examiner
Art Unit 3632
September 27, 2005

 9/29/05
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600